IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.324 OF 2004

Union of India & Anr. ...Appellants

Versus

Usha Ispat Limited & Anr. ...Respondents

.....

Mr.Pradeep S.Jetly i/b Dr.T.C.Kaushik for Appellants.

None for Respondents.

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CORAM: A.M.KHANWILKAR, J.

JUNE 7, 2006.

P.C.

1. Inspite of notice, none appears for the Respondents. Counsel for the Appellants submits that in view of the subsequent developments placed on record on affidavit of Shri U.G.Walunj, Assistant Commissioner of Customs, the order which was passed by the Trial Court has worked out and in fact, the Suit before the Trial Court itself has become infructuous.

2. There is no reason to doubt the

correctness of this submission, as the relevant facts have been placed on record by way of affidavit. Accordingly, this Appeal succeeds and the impugned order is set-aside.

3. It will be open to the parties to approach the Trial Court for passing formal order in the pending Suit in view of the subsequent development.

A.M.KHANWILKAR, J.